

# Notice of Allowability

Application No.

10/785,111

Examiner

Frantzy Poinvil

Applicant(s)

FUSZ ET AL.

Art Unit

3628

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 2/17/2006.
2. ☒ The allowed claim(s) is/are 27,28,31-51,53-60 and 62-80.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

FRANTZY POINVIL  
PRIMARY EXAMINER

AU 3628

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The following is an examiner's statement of reasons for allowance:

The prior art taken alone or in combination failed to teach or suggest a third computer database coupled to the file server to which potential buyers can post special offers to purchase for consideration by a particular buyer-specified potential seller as recited in independent claim 27.

The prior art taken alone or in combination failed to teach or suggest a second computer database coupled to the file server to which potential buyers can post through the Internet special offers to purchase for consideration by potential sellers as recited in independent claim 45.

The prior art taken alone or in combination failed to teach or suggest accepting through the network from any of the potential buyers a special offer to purchase for consideration by a particular buyer specified potential seller as recited in independent claim 46.

The prior art taken alone or in combination failed to teach or suggest accepting from potential buyers special offers to purchase directed to a particular buyer-specified potential seller, and responsive thereto, automatically making available to the buyer-specified potential seller, but not other sellers the offer to purchase as recited in independent claim 50.

The prior art taken alone or in combination failed to teach or suggest accepting over the Internet (a) purchase orders from the personal computers of at least one of the potential buyers and (2) acceptance of selected of the posted special offset to purchase from the at least one of the potential sellers as recited in independent claim 63.

The prior art taken alone or in combination failed to teach or suggest automatically transferring the pricing data and product configuration data of the products that match the product configuration data of the request and that are priced below the specified price cap, through the wide area network to the personal computer of the potential buyer who made the request as recited in independent claims 67 and 75.

The prior art taken alone or in combination failed to teach or suggest responsive to each of the requests from potential buyers, searching the first computer database for those products of the multitude that match the select product configuration data of the request and that have prices equal or below the price cap in the request and automatically transferring the pricing data and product configuration data of the matching products through the wide area network to the personal computer of the potential buyer who made the request as recited in independent claim 77.

Ausubel (EPA 1 054 336 A2) discloses a system and method for an efficient dynamic multi-unit auction, but fails to teach or suggest the above noted features of claims 27, 45, 46, 50, 63, 67, 75 and 77.

Business Wire, "Bid.com Announces [www.dutchauction.com](http://www.dutchauction.com), October 28, 1998, Dialog file 16, Accession No. 05914806, discusses the advantages of a Dutch auction system on the

Internet but fails to teach or suggest the above noted features of claims 27, 45, 46, 50, 63, 67, 75 and 77.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:00AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Frantzy Poinvil**  
**Primary Examiner**  
**Art Unit 3628**

FP